

REMARKS

Status of the Claims

Claims 1-23 are pending in this application.

Claims 20-23 are new.

Claims 1-4, 9-15 are rejected.

Claims 5-8 are objected to.

Claims 16-19 have been withdrawn from consideration.

Claims 2, 3, 9-11, 14 have been amended. Support for these amendments can be found throughout the specification, claims, and drawings, as originally filed.

Specification Objections

The Applicant respectfully submits the amended abstract of the invention section, which is now less than 150 words in length. Applicant requests removal of any objections to the specification as they have now been obviated by amendment.

Rejection of Claims 2, 3 and 9-15 Under 35 U.S.C. § 112

Claims 2, 3 and 9-15 stand rejected under 35 U.S.C. § 112.

The Office Action rejected claims 2 and 3 because of the term “said pivot” lacking proper antecedent basis. Applicant submits that claims 2, 3 have been amended to overcome the Examiner’s rejection on antecedent basis grounds. Applicant respectfully requests removal of the rejections of claims 2 and 3 which have been obviated by amendment.

Claim 9 has been amended to address some of the Examiner's rejections, however, Applicant traverses the Examiner's rejection with respect to the Examiner's statement that "in claim 9, line 20, 'said gear wheels' lacks proper antecedent basis." Claim 9, line 5 introduces an element of the claim that is directed to "a pair of arms." Claim 9, line 14, states in pertinent part "a gear wheel secured with respect to each said arm and journalled with respect to the axis of said pivot between said arms and said mirror mounting bracket..." *[emphasis added]*. Thus, it is clear that a gear wheel is secured to each arm. Since claim 9 is definite with respect to the fact that there is a pair of arms, therefore, there must also be more than one gear wheel since it is explicitly stated that there is a gear wheel secured with respect to each arm. Applicant respectfully requests that the Examiner reconsider his rejection of the term "said gear wheels" as lacking proper antecedent basis since clearly the claim specifies that there is a gear wheel associated with each arm. Since claim 9 describes a pair of arms, there must also be more than one gear wheel.

With respect to the Examiner's rejection of claim 9 based upon the terms "said detents" and "said mirror mounting means" both lacking proper antecedent basis, the Applicant now respectfully submits the amended claim 9 which addresses and obviates the Office Action's rejections with respect to these terms. The Applicant respectfully traverses the 35 U.S.C. § 112 rejection of claim 9. Additionally, the Examiner rejected claim 9 because the term "said pivot" found on line 16 lacked proper antecedent basis. Applicant submits that this rejection has been overcome by the amendments to claim 9 which now introduces a "pivot point" at line 6 of claim 9, with "said pivot" on line 16 of claim 9 being amended to recite "said pivot point." Applicant respectfully requests

removal of the rejection of claim 9 since all of the Office Action's rejections have either been obviated by amendment, or traversed.

Rejection of Claims 1-3 Under 35 U.S.C. § 102(e)

Claims 1-3 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,322,221 to Paul Van de Loo (hereinafter the '221 patent).

The Applicant respectfully traverses the 35 U.S.C. § 102(e) rejection of claims 1-3. With regard to claim 1, the Office Action stated:

Van de Loo discloses a mirror parking mechanism comprising a mirror mounting bracket represented as (10A and 10B), a mirror head (12) a detent (17b) having a recess portion (89) and a projection (88), a spring (23d), a gear wheel (25d), a worm drive (95) having a shaft (92) journalled in bearings, a motor (30) and a spigot/pin (11). Note figures 9-11 along with the associated description thereof.

Element 5 of claim 1 of the present application describes "a gear wheel secured with respect to said mirror head..." The '221 patent fails to anticipate claim 1 because the gear wheel is not secured with respect to the mirror head. Instead, the '221 patent clearly states that "[t]he gear wheel 25d is journalled to the spigot." Col. 12, line 23. Applicant asserts that the gear wheel in the '221 patent is secured with respect to the spigot and **cannot** be secured with respect to the mirror head as described in element 5 of claim 1 of the present application.

Element 6 of claim 1 further describes the movement of the worm drive shaft stating that "...said worm drive engaging said gear wheel and **one end of said shaft acting against said spring...**" The '221 patent clearly does not operate in the same manner. The specification of the '221 patent states in pertinent part that "[i]nitial

operation of the electric motor 30 will cause the worm drive 95 to push to *[sic]* shaft 92 along its longitudinal axis so that the end 96 of the shaft 92 **pushes against the mirror head 12.**" Col. 12, lines 34-37 *[emphasis added]*. Clearly the worm drive shaft in the '221 patent does not push against the spring 23d, but rather pushes against the mirror head 12. Once again, claim 1 of the present application is not anticipated by the '221 patent since the operation of the worm drive as defined in claim 1 is not shown by the operation of the worm drive disclosed in the specification of the '221 patent.

Since the '221 patent fails to show each and every element of claim 1 of the present application, Applicant respectfully requests removal of the rejection of claim 1 and all of the claims dependent upon claim 1.

With respect to the Office Action's rejection of claims 2 and 3, Applicant asserts that claims 2 and 3 are both directly dependent upon claim 1. Therefore, by virtue of their dependency, claims 2 and 3 cannot be anticipated by the '221 patent. Therefore, Applicant respectfully requests removal of the rejection of claims 2 and 3.

Furthermore, the Applicant submits that U.S. Patent No. 6,322,221 to Paul van de Loo does not render claims 1-3 obvious. Applicant maintains that the '221 patent cannot be modified to render claim 1 of the present application obvious without undergoing major reconfiguration of the entire invention described in the '221 patent. Such modifications would involve moving the location of the spring, removing the spigot element in order to mount the mirror head directly on the mounting brackets, moving the gear wheel from being secured to the spigots to being secured to the housing. Additionally, the overall operation of the various elements within the '221 patent would need to be modified so that the shaft of the worm gear acts against the spring element, as opposed to the mirror head as described in the '221 patent.

Rejection of Claim 4 Under 35 U.S.C. § 103

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,322,221 to Paul van de Loo (hereinafter the '221 patent).

Applicant traverses the 35 U.S.C. § 103 (a) rejection of claim 4, because the '221 patent cannot be applied against the present patent application under 35 U.S.C. § 103(c) because this patent is assigned to the same entity as the present application.

35 U.S.C. § 103(c) states:

The subject matter developed by another person, which qualifies as prior art only under one or more sub-sections (e), (f), and (g) of section 102 of this title shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The '122 patent was used to reject claims 1-3 under 35 U.S.C. § 102(e). This is one of the requirements for 35 U.S.C. § 103(c) to apply. Applicant submits that the subject matter of the '122 patent and the present application are commonly assigned to same entity, Schefenacker Vision Systems Australia PTY, LTD. Exhibit A of this Office Action contains a copy of the official Certificate of Registration on Change of Name, which is evidence that Britax Rainsfords PTY, LTD. changed its name on September 7, 2000 to Schefenacker Vision Systems Australia PTY, LTD. Exhibit A also contains a copy of the assignment of the present application. Which assigns this application to Schefenacker Vision Systems PTY, LTD. Applicant respectfully requests the Examiner to remove the 35 U.S.C. § 103(a) rejection of claim 4 since it is precluded by 35 U.S.C. § 103(c). Clearly the subject matter of the '221 patent and the present invention were both owned by the same entity, Schefenacker Vision Systems Australia PTY, LTD.

formerly Britax Rainsfords PTY, LTD. Applicant submits that the claims of the present application are in condition for allowance, which allowance is respectfully requested

Allowable Matter

The Office Action indicated that claims 5-8 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant kindly thanks the Examiner for indicating that claims 5-8 are allowable, as such Applicant now submits new claims 20-23 which are claims 5-8 rewritten in independent form with all the limitations of the intervening claims. Applicant respectfully requests allowance of claims 20-23.

The Office Action also indicated that claims 9-15 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112 second paragraph. Applicant again kindly thanks Examiner for indicating that claims 9-15 would be allowable. Applicant wishes to bring to the Examiner's attention that with respect to claim 9 some of the 35 U.S.C. § 112 second paragraph rejections were obviated by amendment. However, Applicant notes that with respect to line 20 of claim 9, the term "said gear wheels" was respectfully traversed as presented above in the 35 U.S.C. § 112 remarks section. Once the rejection of claim 9 has been removed, then Applicant submits that claim 9 as well as claims 10-15, which depend from claim 9, will then be in allowable format.

Information Disclosure Statement

The Office Action indicated that two of the references cited in Applicants previously submitted IDS had not been considered. In response Applicant respectfully submits IDS Form SB/08a, and one copy of each of the foreign references that are cited

therein. The documents cited in the IDS are European patent application EP 0881124 A2, entitled "A Mirror Operating Mechanism" published on December 2, 1998 and issued to Van de Loo et al. (hereafter EP124). EP124 does not anticipate or render obvious the claims of the present application. For example, argument 2 of claim 1 recites "a mirror pivotally connected to said mounting bracket..." EP124 fails to anticipate or render obvious element 2 of claim 1 since the specification states "attached to the mirror mounting bracket 10 is a spigot 11. The spigot 11 has a vertical axis, and the mirror head 12 is mounted so that it rotates about the vertical axis of the spigot 11." See EP124, Col 6, lines 23-26. Clearly EP124 discloses pivotally connecting the mirror to spigot and not a mounting bracket.

Additionally, element 4 of claim 1 requires "a spring acting against said detent to hold it in said locked position..." this section of claim 1 is not anticipated or rendered obvious by EP124 which describes "a coil spring 23d is placed between the mirror head 12 and the housing 87 which acts to push the mirror head 12 in a direction that engages the detent 17d" EP124 Col.14, lines 56-58. The operation of the coil spring 23d in EP124 appears to be identical to the '122 patent discussed above. That is, both spring elements act on a housing in the mirror head instead of acting on the detent as stated in claim 1 of the present application. Like the '122 patent, EP124 fails to anticipate or render obvious element 4 of claim 1, therefore, EP124 is not applicable to the present invention.

The second foreign document was published Australian application AU 9868997, entitled "A Mirror Operating Mechanism" published on December 3, 1998 to Paul Van de Loo (hereafter AU997). AU997 does not anticipate or render obvious the claims of the present application. First, AU997 fails to anticipate or render obvious the second

element of claim 1 of the present application which recites “a mirror head pivotally connected to said mounting bracket...” AU997 fails to anticipate or render obvious this element of claim 1 because the mirror head in AU997 is mounted to a housing which is mounted to a spigot.¹ AU997 also fails to anticipate or render obvious element 6 of claim 1 which requires “a worm drive having a shaft that is journalled in bearings in said mirror mounting bracket...” AU997 does not have a worm drive, nor does the specification suggest incorporating a worm drive in any of the embodiments. Thus, Applicant points out that AU997 does not render the present invention unpatentable.

It is Applicant's belief that the two foreign documents are only applicable with respect to the general state of the art and do not in any way affect the patentability of the present application. Applicant respectfully requests consideration of the foreign documents by the Examiner.

CONCLUSION


It is respectfully submitted that in view of the above amendments and remarks the claims as amended, are patentably distinguishable because the cited patents, whether taken alone or in combination, do not teach, suggest or render obvious, the present invention. Therefore, Applicant submits that the pending claims are properly allowable, which allowance is respectfully requested.

¹ “Attached to the mirror mounting bracket 10 is a spigot 11. The spigot 11 has a vertical axis, and the mirror head 12 is mounted so that it rotates about the vertical axis of the spigot 11.” AU997 app. p.9, lines 10-12.

The Examiner is invited to telephone the Applicant's undersigned attorney at
(248) 364-4300 if any unresolved matters remain.

Respectfully submitted,

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